

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN WALKER,

1:02-cv-05801-AWI-GSA-PC

Plaintiff,

ORDER ADOPTING FINDINGS &  
RECOMMENDATIONS  
(Doc. 89)

vs.

UNITED STATES OF AMERICA,  
et al.,

ORDER FOR ACTION TO PROCEED  
ON CERTAIN CLAIMS AND  
DISMISSING REMAINING CLAIMS

Defendants.

Kevin Walker ("plaintiff") is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On May 15, 2008, findings and recommendations were entered, recommending that this action proceed on certain claims and that the remaining claims be dismissed from this action. Plaintiff was provided an opportunity to file objections to the findings and recommendations within thirty days. To date, plaintiff has not filed objections or otherwise responded to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 73-305, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and proper analysis.

Accordingly, THE COURT HEREBY ORDERS that:

1. The Findings and Recommendations issued by the Magistrate Judge on May 15, 2008, are adopted in full.
2. This action now proceeds against:
  - (1) the USA on the FTCA claims, on the allegation that United States' employees transferred plaintiff to a facility that was constructed by the United States with knowledge that the soil upon which it was built was contaminated with fungal spores that are known to cause Valley Fever;
  - (2) the BOP employees for violation of plaintiff's rights under the Eighth Amendment;
  - (3) the Taft employees for violation of plaintiff's rights under the Eighth Amendment;
  - (4) the Taft employees, TCI and WCC for plaintiff's tort claims; and
3. All other claims are dismissed from this action.
4. This action is REFERRED to the Magistrate Judge to issue a service order and for other proceedings on the remaining claims.

IT IS SO ORDERED.

**Dated: July 7, 2008**

**/s/ Anthony W. Ishii**  
CHIEF UNITED STATES DISTRICT JUDGE